

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
DARIUS BURRIS,

Plaintiff,
-against-

ORDER
CV 11-0119 (SJF)(ARL)

NASSAU COUNTY, et al.,

Defendants.
-----X

LINDSAY, Magistrate Judge:

Before the court is plaintiff's letter application dated February 9, 2012, seeking an order (i) holding defense counsel in contempt for interfering with the deposition of employees of the Nassau County Sheriff's Department and Nassau County University Medical Center; (ii) imposing sanctions against defense counsel; (iii) awarding plaintiff's costs; and (iv) compelling defense counsel to reschedule said depositions by a date certain. In response, defense counsel (i) asserts that the depositions of the employees at Nassau County Sheriff's Department are parties; (ii) seeks a court order to take the incarcerated plaintiff's deposition; and (iii) requests a conference to discuss these issues. Upon review of the submissions, the court concludes that a conference is not necessary at this time.

The motion for contempt, sanctions and costs is denied. Plaintiff's motion is granted to the extent it seeks to conduct the depositions by a date certain. It appears from the submissions that plaintiff's counsel sought to conduct the depositions in question over a two day period. Counsel for the defendant is directed to contact plaintiff's counsel by February 22, 2012 to provide suggested dates for the depositions. With respect to the deposition of plaintiff, defense counsel is directed to submit a proposed order for the court's review and signature which meets the requirements of the Department of Corrections.

To permit the parties' compliance with this order, the court will grant an extension of the scheduling order. All discovery, inclusive of expert discovery, must be completed by April 23, 2012. The deadline to commence dispositive motion practice is May 7, 2012. The final conference remains scheduled for May 21, 2012 at 11:00 a.m. The parties are reminded to electronically file a proposed joint pretrial order prior to the final conference.

Dated: Central Islip, New York
February 14, 2012

SO ORDERED:

/s/
ARLENE R. LINDSAY
United States Magistrate Judge